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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DOUGLAS L. RISKAS,

Defendant and Appellant.

D069328

(Super. Ct. No. SCD263956,
SCS282449)

APPEAL from a judgment of the Superior Court of San Diego County, Michael S. Groch, Judge. Affirmed.

Russell S. Babcock, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Douglas L. Riskas entered a guilty plea to one count of evading an officer with reckless driving (Veh. Code, § 2800.2, subd. (a)) and one count of grand theft in excess of \$950 (Pen. Code,¹ § 487, subd. (a)) in case number SCD263956. As part of the plea

¹ All further statutory references are to the Penal Code unless otherwise specified.

bargain, Riskas admitted three prison priors (§ 667.5, subd. (b)(5)), stipulated to a six-year sentence, and waived his right to appeal.

In case number SCS282449, Riskas pleaded guilty to grand theft in excess of \$950 (§ 487, subd. (a)). Riskas admitted three prison priors, stipulated to a concurrent six-year term, and waived his right to appeal.

The court sentenced Riskas to a six-year term as stipulated in the plea agreements.

Riskas filed a timely notice of appeal. The court denied his request for a certificate of probable cause. (§ 1237.5.)

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he has not been able to identify any reasonably arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Riskas the opportunity to file his own brief on appeal. Riskas has responded with a supplemental brief which raises some issues based upon matters outside the record on this appeal. We will discuss his arguments below.

DISCUSSION

As we have noted, appellate counsel has filed a brief pursuant to *Wende, supra*, 25 Cal.3d 436. Although counsel has not identified any reasonably arguable issues for reversal, counsel has complied with the requirements of *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and has identified the following possible, but not reasonably arguable issues for our consideration:

1. Whether there was sufficient evidence in case number SCS282449, that Riskas committed thefts in excess of \$950.²

2. Whether the court erred in denying a certificate of probable cause.

In his supplemental letter brief, Riskas contends his trial counsel was ineffective, that he wishes to discharge his appellate counsel, and that the amount of the theft in case SCS282449 did not actually exceed \$950, notwithstanding his admission at the time of the plea that the value of the items taken did exceed that amount.

In addition, Riskas has attached some documents purporting to show the amount of loss incurred by the store in case SCS282449 was below \$950. We cannot determine the source of the documents, which are not contained in the record on appeal. It appears that other than expressing his dislike for his appellate counsel, Riskas is relying on matters outside the record. He expresses his intention to file a petition for writ of habeas corpus at some point. There is nothing in this record which would allow us to address his issues. Riskas's remedy, if any, is by way of a petition for writ of habeas corpus filed in the superior court. (*People v. Mendoza Tello* (1997) 15 Cal.4th 264, 266-267.)

We have reviewed the entire record as mandated by *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738. We have not discovered any reasonably arguable issue for reversal on appeal. Competent counsel has represented Riskas on this appeal.

DISPOSITION

The judgment is affirmed.

² Since Riskas did not obtain a certificate of probable cause he cannot challenge his plea, or his stipulated sentence. (*People v. Panizzon* (1996) 13 Cal.4th 68, 76-79.)

HUFFMAN, Acting P. J.

WE CONCUR:

IRION, J.

PRAGER, J.*

* Judge of the San Diego Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.